P 2 18-94

G. R. S. IX-5]

1894-95

Previous references.

LR 40-81
" 41-82.
" ~~152-94.~~
" 69-89

Later references.

LR 316-

192 .

(L. R.)

File No. 152-94

Serial Nos 1-9

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-9

In ~~Part~~ B for April 1898

SUBJECT.

Appeal of the Lagamgatlar of Kalmar Village regarding the recovery of the possession of a Tamarind tree situated in Govt. land.

Mr. Tennant
S. Smith

(39)

1

10244

Gen. 31.]

1894 E 262

R 2925½

Defence of Public Employés
Amended Rule 4 of the Rules
From The Secretary to the Govt
for Reciprocity under Sec 4
of Local Enquiries
To Chief Secretary to the Govt of India
The Secretary to the Govt of
Dewan of Mysore
Foreign Department

Dated 8th February 1895
Despatched 11th do.
Received
General No. 2718
No. 963
Enclosure No. 1 file & 1

Requesting sanction for
Conduct of defence of public
Employés in suits filed by
Ramanna Rayanpattada
of Gwalior Rajas decd.

Submitted
8/3/95

Submitted with the
previous papers
8/3/95

Ref. Resolution
8/3/95

References called for
8/3/95

Ref. Resolution
HD Secret for Recs and
11/3/95

Subd.
16/3

R J. 12/2/95

Submitted
12/2/95.

Ref 5/3/95.

Submitted for orders
6/3/95

2 Copies Deputy Commissioner's Files
dated 8th February 1915.

No. 2718
963 I.O.

The Chief Secretary to the
Govt. of Assam.

Sir,

I have the honor to submit the accompanying Memo, regarding a suit C.S. No. 24 of 1915 filed by Kamakhya Nayan Bezbaruah, Extra Assistant Deputy Commissioner, Silchar, against the Deputy Commissioner of the District in the Court of the District Judge, Sundidhora Division and to request that under the circumstances therein explained the Government will be pleased to issue order for the conduct of the defence at public expense.

2. I have requested the District Judge to adjourn the case for 2 months to enable me to obtain the orders of Government in the matter.

3. The Court Summons with copy of the plaint together with the Vernacular records bearing on the subject are forwarded herewith attached thereto are also herewith

Submitted

submitted for reference and filing
herein when no longer required.

I have the honor to be,

Sir,

Your most obedient servant,

S. Marshall

Deputy Commissioner,

Kolar District.

Train

Memo

The Shanbhogi Service Inam lands attached to Kuruvgutta Kyalamuvidiyu in the Taluk Limit having been appropriated by the Karnataka for Railway purposes the Commutation of the Shanbhogi Office for which they had been granted, the Government in their Proceedings No. 6888/271 dated 7th December 1889 directed that the Inam should be resumed, surveyed, classified and assessed.

The lands comprised in the Inam were accordingly formed into several survey numbers and assessed by the Survey — Department.

One of these, Survey No. 3 measuring 1 acre, 36 guntas with an assessment of Rs 4-8- being a tope consisting of 38 tamarind trees with 8 small hunter (bunds), rendering the land unfit for cultivation, the same was by an order of this Office No. 355 dated 5th February 1893 assessed for Government and the Revenue of the tree included in the annual Patta of Avvanagi Aleppa.

The

7

Gen. 21.]

1573/95

Lab. - 44-2 - 1895 11914

From The Deputy Commissioner
Kolar District

To General
The Secretary to the Government
~~Durbar~~ of Mysore.
Judicial Debartment.

Dated 12th March 1895

Despatched 14th.

Received

General No. 3202

No. 1102

Enclosure No.

His office letter No: 2718/963 dated the 8th February 1895 requesting orders for the conduct at public expense of the defence in a suit filed by Ramappa, Kayemguttadar of Kyalnur, Kolar Taluk, against the Deputy Commissioner of this District in the Court of the District Judge, Mundidrog Division.

In continuation of the above and with reference to para 2 of the same, has the honor to report that the District

Submo.
The previous papers have been transferred to the 2nd Councillor for disposal
18/3

may also be submitted him two
Secy. to Narasimmayya,
3.95 Sd.

Reminder 4/6
19/3/95

Submitted -
The file is kept on the Office table as ordered -
21
19/3/95

District Judge intimates that the hearing of the suit has been adjourned to the 6th June next.

Deputy Commissioner,
Kolar District.

The Private lands were ordered to be confirmed to the Kapangattara in full during assessment, reserving a fair price from him for the lands retained therein.

The reservation of the tree tax effected from 1893-94 and the realization by the sale of the produce of the trees in that year amounted to Rs. 56/.

Ramzeh, one of the late Kapangattadar officials, being dissatisfied with the above order has filed a suit (C.S. No. 27 of 94-95) against the Deputy Commissioner in the Court of the District Judge, Trincomalee Division, for the recovery of the tree with damages amounting to Rs. 191 on account of the value of the produce of the trees for 1893-94.

The Court has served the Deputy-Commissioner with a summons and the case is fixed for hearing on the 16th February 1895.

The District Judge has been requested to adjourn the case for a month to enable the Office to refer the matter to Government and obtain orders for the conduct of the defence at public expense.

If

If the Kanemaitaha fail as required by this Office under quoted above, his remedy is by preferring an appeal to Government against the same within the time allowed by law and if the plaintiff does not show that he has done so, the suit is not maintainable under Section 225 of the Upper Land Revenue Code.

Further the title which is the subject matter of the suit form part and parcel of the Service Inam and as such is entirely at the disposal of the Government being excluded from the grant of the Kanemaitaha village. The condition of the grant of the Inam having been violated by the unauthorized and clandestine assignment of the Inam lands by the Kanemaitahas they were, resumed and brought under assessment. The assignment irrespective of its duration cannot confer any right on the Plaintiff to the lands in question.

Deputy Commissioner,
Kolar District.

(43)

Q. Draft Land Court

LR 152-94-3 Draft

Read:—

Letter No 273 dated
8th February 1963 from the
Deputy Commissioner of
the Kolar District, requesting
sanction for conducting
the defence at private expense,
in the suit filed by Ramappa
Kayigattadar of Kyathur
in the Kolar Court, in con-
-nection with the recession
~~ordered~~ by the Commissioner
of Survey, No 3 measuring acres
4.36 Guntas, assessed at
Rs 4-8-0 of forming a portion
of the Service Inam land
of the Inam Estate of Irish
Inam, ~~granted~~ ordered by the Govt to
be resumed.

Submitted 23737
~~Dy No~~ 07.08.1964

Re resumption ordered

920/Mys

56 L 41
[illegible]
[illegible]
[illegible]
Rev. Abr.
Refs - to Dun
5/7/95

KR 152-64-4
Gen. 31.
(47)

REVENUE DEPARTMENT
No. 143
9 - JUL. 95
1895
LEWANS OFFICE

From The Deputy Commissioner
Kolar District

To
Revenue
The Secretary to the
~~Government~~ ~~Dewan~~ of Mysore.

Dated 5th July 1895
Despatched 8th do.
Received
General No. 73
No. 17
Enclosure No.

Requesting instructions
with regard to survey No 3
forming part of the
Chanbogni Service Inam
of Kayamgootta Kyalmir
Village, Kolar Taluk is

submitted with reference.

Submitted for orders
With Refs
9/7/95

submitted to the
Councillor -
of the Kayamgoutta
was not forfeited
by right to the land
which is entitled to
held it accordingly
were not ready
Inam, it is
difficult to
ed that he
made any
value of the
to Standing
ction -

4

11-7-95 -
Daily - Minutes
[illegible]
[illegible]

43

Kolar Deputy Commissioner's Off.
Dated 5th July 1895.

To

The Revenue Secretary to the
Government of Mysore.

Sir,

Adverting to Government Proceedings
No: 23737 / R.T. 68/94-95 dated the 20th June 1895,
cancelling the reservation of Survey No. 9/11
forming part of the Shanbhogi Service
Inam of Kayemgutta Kyalnur village
Kolar Taluk, I have the honor to state
that due effect will be given to the order
therein contained but in doing so I feel
called upon to refer for orders the follow-
ing point on which I entertain a doubt.

2. The lands comprised in the
aforesaid Inam including Survey No:
were attached to the office of Shanbhog
and having been excluded from the asset
of the Kayemgutta village, the Kayemg-
-dar had no right of any kind to the said
Such lands having been usurped by

Kayemgutta

by the Government referred only to the changing of tenure and did not authorize transfer of possession. All the Lucia Linan lands of which Survey No 3 is a part and more formed the subject of the present dispute were in the possession of the Kanyanzilladan, and the Government has on no occasion intimated its intention of dispossessing ~~the~~ him of them. In Govt. Pro: No 6333/271 dated 7th December 89 it was clearly stated that the Lucia ordered to be returned should be surveyed, classified and assessed by the Survey department. Now, when the Government confined itself to changing the tenure, the spirit of Government did not extend to more than levying the assessment.

There is no authority for the Deputy Commissioner to deal with No 3 in any special manner because there is a Government tape on it, nor is his action of reserving it for Govt warranted by any specific rule or special authority on the whole, the procedure adopted by the Deputy Commissioner without referring the matter for the orders of Government appears to be indefensible

2. Under such circumstances the Government must cancel the Deputy Commissioners order and direct the refund of the money realized from the purchase of the tape & credited to Government.

Submitted to the Hon'ble Minister for Informal

C
18-6-95

C
10/6/95

C
10/6/95

Revised

Hon'ble Minister for Informal

Hon'ble Minister

Karengattadar and encloseriated for
forfeiture after sum that for which they
had been granted, the Government ordered
that the same should be resumed and
brought under full assessment.

3. The Survey Department have
accordingly surveyed, classified and
assessed the lands which have to be
confirmed to the Karengattadar in full
Survey valuation and the practice now
exists of selecting a fair price in cash
be received from him for the trees stand-
ing on the lands. A list is attached in
form A of the Memo submitted with the
Office letter No. $\frac{2-8}{903}$ dated 8th February 1905
directed the Vanidar to deny a name for the
lands situated on the lands already ordered
by me to be confirmed to the Karengattadar
and if any, explain the procedure which is
similar to that observed at the Survey-
settlement at which a price is received for
each of the trees standing on lands already
occupied or not proved to have been

planted

granted by the ryotdars or their predecessors in title, I solicit the favor of instructions as to whether the same may be followed in the case of valuable trees in the lands to be confirmed to the Kavelguttadars under the Government Proceedings quoted above.

4. In conclusion, I have only to submit that the reservation of the lands under notice was ordered by me bona-fide in the interest of Government as the present Kavelguttadar and his late father Nekajia purchased the villages (minus the Shanbhogi and other minor shares excluded from the sale of the village) at a Revenue Sale held in 1878 were trespassers and their possession of the land was unlawful from the commencement.

I have the honor to be,

Sir,

Your most obedient Servant,

for Deputy Commissioner

Kolar District

16

Draft confirmation

149

LA 152-94-5

Read:—

Letter No 73 dated 5th July 95 from the Deputy Commissioner of the Kolar District requesting instruction as to whether he can record the value of trees on survey No 3 of the Nyamanhalli village in the Kolar Taluk, which is to be enfranchised to the Kaveripattanam ryot, for which contained in Govt Dis: No 2273-74 dated 20th June/95 R.D. 68-94 in the same manner in which he had entered the claim of the Inamdar attached another lands already confirmed to him

The Kaveripattanam ryot has not forfeited his right to the land in question. He is entitled to hold them on Kandayam until bought off as Inam - That tenure

Order thereon No 606 R.D. 68-94 dt 9.10.95

The Commissioner's order for the confirmation of the Kaveripattanam ryot

2

the Kanyenyeni Section of the
Value of trees &c. stated
on the lands already confirmed
to him is incorrect. He
is entitled to the Forest
~~Settler~~ on account of the
~~2~~ trees ~~stated~~ standing Settler
on Survey No 3 on ~~the~~
~~of the~~ other lands already
Confirmed to the Kanyenyeni Section.
2.- The Memo is informed that
~~the Kanyenyeni Section stated by him~~
~~in his letter of the~~
in his said letter above
~~stated~~, was unnecessary, ✓
~~as the said Section stated~~
~~by him was included~~.

9
16-7-95
Received.

D.B 21
15/7/95

To Chief Commissioner
Kaduna

18

6453
R 3882

Gen. 31.]

1897. 98

(46)

From The Commissioner of Coorg & Political Agent

To

The Secretary to the Government of Mysore.
Revenue & Genl Departments

Dated 5th March
Despatched 6th "
Received "

General No. 2917
No. 866

Enclosure No. 13.

Submitting further report in the matter of a suit by the Rayengada Amildar of Kayadeeur Kolar Taluq for a thousand Canarese Rupees.

XT

Call Letter Book
Commissioner
Coorg

Mr. 1-2-98

Submitted to Secretary for orders
10/3/98

L R 152-94-6

was pending in No. 738/527 dated 13th August 1895. Nothing further was heard of this litigation but recently the District Judge sent a notice addressed to the Dy. Commissioner requesting him to shew cause why the decree in favor of the Kayemgu Medars should not be executed. On a requisition for the adjournment of the case, he wrote, to Where, Say, that he has allowed time for payment of the decree amount till the 15th March 1898. His attention was invited to this office letter No. 738/327 mentioned above and he was requested to inform how the matter was disposed of, but no reply has been received as yet. Copy of the decree passed in this case not being available, it is not clear whether it was passed against Mr. Madiah personally or the [illegible]

Dy.

(48)

Read:-

Letter No 2917/866 dated 5th March 1898 from the Dy Commr, Kolar District, reporting that as directed in Govt Bro: no 606 & 16-7-95. R 769/94 the Tamarind Tope situated in S.no 3 of the Kayamguttahalli village, Kolar Taluk, was ordered to be restored to the Kayamguttadars and that although this fact was intimated to the District Judge, Nandidroog Division, in whose Court the Kayamguttadars had filed a Suit against Mr. Madaiya as Dy Commr, for the recovery of the possession of the Tope, no notice has been received from the said Court requesting to show cause why the decree passed in favor of the Kayamguttadars should not be executed, and Soliciting sanction to an advance of Rs 50 to meet the Court Costs in the execution case -

Order thereon:-

In continuation of the

Lr 152-94-7

Mr Cr 17/8/98 ki

Lr 14/8

95-85=6

F.68-94 & 16.3.98.

16

(Copy enclosed)

~~telegram dated 11th March 98~~

~~conveying sanction to~~

the advance applied for, is a case which should be disposed of within 3 months ~~from date of receipt~~ ~~is subject to adjustment at an early date~~

the Dy Commr is requested to report ~~the date on which the notice from the District~~ he should apply for an acquittance ~~of the execution case and the Judge and what action~~ ~~should be taken thereon~~ and to obtain and submit a copy of the Judgment and decree for the perusal of Govt. He may also instruct an Advocate or Pleader to move the Court for a short adjournment of the execution case - The result of the action taken by the Dy Commr should be reported in detail for the orders of Govt.

Submitted.

The notice was received ... the Dy Commr. on the 13th M... He then asked for the adjou... ment of the execution ca... (date is not given). Acco... the Court has given thi... till the 22nd March 1898 ... the portion marked C ... omitted? ... intimating the date ... case will be ...

2 - A copy of the telegram sent by the Dy Commr on 11th March 98 sanctioning the advance referred to, is attached.

13/3 98

Secretary
12/3/98

To.

The Dy Commr.
Kolar District
returning the enclosures for reference & resubmission
to Comptr, Ellore Govt

Note After issue, the ... has to be sent to the ... Accountant for ... note.

Gen. 31.]

REVENUE DEPARTMENT
Gl. No. 225
K 122
189 (49)

Refn
Rw
7-4-98

KA 152-94-8

From The Dy Commissioner
Kolar District

To

The Secretary to the Govt
Durbar of Mysore.

General Secretariat
Bangalore

Dated 30.3.98
Despatched 6th April/98
Received
General No. 3325
No. 977 3.8.97.98
Enclosure No. 16

Forwards for reference
Copies of the decree & Judgment
along with other records
& original in the suit
instituted by the Kyalamma
Kaigempattadar for a
tamarind tope and requests
sanction for payment of
the sale proceeds of the crop
produce & the Court Costs amts
to Rs 36.4-0 by Govt as a special
case as decreed by the Dist Judge,
Kandikuppe &c

25

No.

Kolar District,

Deputy Commissioner's Office,

Dated, Kolar, the 30th March 1898.

6th April/98

To,

The Secretary to the Government

of Mysore,

General & Revenue Departments,

Bangalore.

Sir,

With reference to Government Proceedings No. 85-85-6 dated 15th March/98 R.7.68-94 passing orders in re the suit instituted by the Kayemgutiadar of Kyalanur, Kolar Taluk, for a tamarind tope, I have to state that adjournment of the case was sought on the 5th November (97), and the Court

2/

Judge replied on the 1st December 1897 in Case No 401, intimating the grant of time for payment of the decree amount till 5th March 1898.

2. Reference was made to the District Judge for the adjournment of the execution case till after the recess, and the Public Prosecutor was asked to obtain and forward Copies of the decree and Judgment. They have been received lately and are herein enclosed along with other records of the Case in original for reference. (14)

3. It will be observed that the District Judge has decreed payment of the sale proceeds of the Amanat produced and the Court Costs amounting to Rupees 35-4-0 to the Deputy Commissioner of the Kolar District. Accordingly to

28

Read:- (51)

Letter No 3325/977 dy 30th March 1898 from the Dy Commr, Kolar Dt, submitting copies of the decree & judgment passed by the Dt Judge Bangalore Division in Original Suit No 27 of 1894-95, filed by the Kayemgutadars of Kyalamur, Kolar Taluk, for the recovery of the possession of a Tamarind tope in S. No 3, in the same village which was reserved to Govt by the former Dy Commr Venkatiah, the sale-proceeds of the produce of the trees having also been credited to Govt

Ir 152-94-9

Ir 16

995-3-4 8/8/4/98
R 3276 18

Order thereon

In Govt Pro 23737/R.7.68/94-5 dy 20th June 1895 it has

already been ordered that the reservation of the tope by the Dy. Commr. being erroneous, the sale proceeds of the Amrora should be paid to the Kanjeevaram Suttadar.

In consonance with this order, the Dt. Judge has given decree to the effect that the plaintiff should be put in possession of the tope in question, and that the money realized from the produce thereof credited to Govt. should be refunded to the plaintiff, and that the defendant, viz the Dy Commr., must bear the plaintiff's cost amounting to Rs 36-4-0.

2. The present Dy. Commr. recommends that the former Dy. Commr. was personally responsible for the cost, the same may be paid by Govt. as a special case.

X 8 27

to the Government. Proceedings have been

then Deputy Commissioner was hereunto

liable to satisfy the Court Costs;

I would respectfully submit that

sanction may be accorded for payment

of the same by Government as a special

case. This will obviate the necessity

for taking proceedings to have the

decree modified.

4. The Bill for the refund of the sale

proceeds of property is still uncashed,

as the party did not consent to re-

-ceive it from this office. It will be

now cashed and sent to the District

Court together with the amount of

Court Costs, as soon as Government

sanction is received.

I have the honor to be,

Sir,

Your most obedient servant,

Manager

Deputy Commissioner

Kolar District.

Comptd
R.A.

5-
30

Under these circum-
-stances, panchim is
accorded the rate,
viz Rs 36-4-0, being
borne
by Govt as a special
case.

Secretary

14/4/98

To

The Dy Comm^r

Kolar Dt

returning the enclosures
The Comptroller

Dutt Govt of Mysore